

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, January 13, 2016
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:30 p.m.

2) ROLL CALL

Commissioners: Dave Girling, Chair
 Paul Blank, Vice Chair
 Joe Stapleton, Secretary
 Brad Avery
 William Kenney, Jr.
 Duncan McIntosh
 Doug West (Absent)

Staff Members: Chris Miller, Harbor Resources Manager
 Shannon Levin, Harbor Resources Supervisor

City Council Liaison: Duffy Duffield, Council Member

3) PLEDGE OF ALLEGIANCE – Harbor Resources Manager, Chris Miller

Chair Girling reported that a presentation of the Harbor Commissions goals and objectives was made last night, January 12th, to City Council and that they were well received. He thanked Commissioners Blank and West for attending the meeting. The goals and objectives were approved and he added that he received good feedback from Council. Specifically, one (1) of the Council Members suggested that the Harbor Commission increase its involvement in the copper issue within the harbor. Commissioners Blank and Kenney will participate in related discussions. Additionally, the first objective was mentioned and Chair Girling noted that it would be a focal point for discussion by the Commission. City Council also indicated they would like to see more updates from the Commission, and Members will work closely with Council Member Duffield to ensure that occurs.

4) PUBLIC COMMENTS

Chair Girling opened public comments.

Seeing no one wishing to address the Commission, Chair Girling closed public comments.

5) APPROVAL OF MINUTES – November 16, 2015 Minutes

Chair Girling offered clarifications and modifications to the minutes from the Harbor Commission meeting of November 16, 2015.

Chair Girling opened public comments.

Jim Mosher offered corrections to the minutes.

Chair Girling closed public comments.

Motion: Vice Chair Blank made a motion to approve the minutes of the Harbor Commission meeting of November 16, 2015, as corrected. Commissioner McIntosh seconded the motion, which carried with 7 ayes, 0 noes. Approved.

6) **CURRENT BUSINESS**

1. ***Harbor Patrol Update***

Lieutenant Mark Alsobrook, Harbormaster, will update the Commission on the Harbor Patrol's operations.

Recommendation:

- 1) Receive and file.

Lieutenant Mark Alsobrook, Orange County Sheriff's Department, Harbor Patrol, referenced the loss of the vessel "William B" by a fire and the Harbor Patrol's protocol regarding contacting vessel owners during an emergency. He reported speaking with the owner of the "William B," the result of which caused him to rethink the agency's protocol and the benefits in engaging vessel owners. He reported that, moving forward, value will be added to the Sheriff's Department's efforts by reviewing and modifying those protocols. He added that they are launching an effort to identify all large and unique vessels in Newport Harbor and engage those owners prior to an incident.

Lieutenant Alsobrook provided a review of the final quarter of 2015 including the new contract with the City to provide mooring management services. He addressed increased responsiveness to the City's and the public's needs, other contracts and activities in the harbor including providing training for dealing with DUI's. Additionally, he reported that in July, the Harbor Patrol will be hosting the Boating and Water Craft Safety Committee; a three-day conference where representatives from all California Sheriff's Departments get together, focusing on educating the public, defining enforcement criteria standards and establishing and improving partnerships between Federal, State, local and private organizations. He added that Newport Harbor is "on the map" among many agencies, as a training and conference destination.

Lieutenant Alsobrook addressed other incidents occurring in the fourth quarter including one (1) for which he is nominating Sergeant Haldeman, LVN Vicky Molanski and Business Owner Mr. Meek to receive a Medal of Honor for their efforts in providing life-saving CPR to a local resident. Additionally, he listed other notable incidents and noted cooperation between the Newport Beach Police Department and Harbor Patrol.

Lieutenant Alsobrook stated there are many issues in the harbor that require a lot of finesse rather than brute force and recognized the work of Harbor Resources Manager, Chris Miller and City staff, in developing a resolution regarding the vessel "Gemini."

Chair Griling opened public comments.

Seeing no one wishing to address the Commission, Chair Girling closed public comments.

Commissioner Stapleton congratulated Lieutenant Alsobrook and his team for their work at the Christmas Boat Parade.

Discussion followed regarding the proposed Marine Operator's Course for Law Enforcement Personnel. Lieutenant Alsobrook also addressed the marine operator's course required under State law.

In response to Chair Girling's inquiry, Harbor Resources Manager, Miller stated he would look into the possibility of providing a proclamation from the Harbor Commission to Medal of Honor recipients.

Chair Girling announced that Item No. 5 would be heard at this time.

2. ***Status of Shellmaker, Inc.'s Scow, "Gemini"***

Harbor Resource Manager, Chris Miller provided an update as to the status of Shellmaker's sunken scow, "Gemini," currently on mooring J-98.

Recommendation:

- 1) Receive and file.

Commissioner Avery returned to the Chambers and took his place on the dais.

Harbor Resources Manager, Miller provided an update on the status of “Gemini” and reported there was a trade between Shellmaker and Associated Pacific Constructors (APC), where Shellmaker transferred two (2) moorings to APC and in return, they will raise the “Gemini”. He thanked Chair Girling for his participation in the process and commended Shellmaker and APC for generating a solution.

Chair Griling opened public comments.

Seeing no one wishing to address the Commission, Chair Girling closed public comments.

3. *Pumpouts in Newport Harbor – An Overview*

Harbor Resources Manager, Chris Miller provided an overview on pumpouts in Newport Harbor with particular focus on the City’s stations.

Recommendation:

- 1) Receive and file.

Harbor Resources Manager, Miller provided a PowerPoint presentation with an overview of pumpouts in Newport Harbor. He addressed locations, privately owned pump-out stations, recent upgrades, maintenance, the City’s maintenance contractor, inspections, operation and rebuild kits.

Discussion followed regarding pump-out stations operated by the County and the possibility of placing signage indicating that bilge pump-outs are prohibited and setting a fine for violations.

Council Member Duffield stated he had a simple solution, which he would share another time.

Discussion followed regarding the possibility of having shorter hoses, trying out different solutions at a limited number of stations, installing signage indicating that the premises are being monitored by cameras and the possibility of the City enacting an ordinance setting fines for violations.

Harbor Resources Manager, Miller stated he will follow-up with the City Attorney’s office regarding the matter.

Chair Girling opened public comments.

Jim Mosher asked a question regarding the appropriate place to dispose of bilge and suggested that signage explain the proper procedure to do so.

Harbor Resources Manager, Miller explained that the County was looking at installing a bilge station in the past but they did not want to take on the liability. He addressed challenges and issues and stated that the City has not yet found a good location.

Len Bose, Huntington Beach, reported that Dana Point has one of the best systems around and commented on facilities for oil drop-offs at the basin. He opined it would be great to see a bilge station in the city.

Chair Girling closed public comments.

Harbor Resources Manager, Miller noted that bilges typically have oil residue, which is a hazardous waste, and stated there may be something already in the City’s books regarding discharge of hazardous waste.

Council Member Duffield encouraged the Harbor Commission to consider a work dock at Balboa Yacht Basin, as one was approved years ago. Since rates have been changed, he added that it should be an amenity for boat owners.

Commissioner Kenney stated he would like the Harbor Commission to consider the possibility of a bilge pump-out station. He added that the Balboa Yacht Club does not have a facility to manage bilge waste.

4. Central Avenue Public Pier – An Operational Review

Harbor Resources Manager, Chris Miller will provide an overview of the proposed Central Avenue public pier. The Harbor Commission has been asked to provide input as to the operational characteristics of that particular pier.

Recommendation:

- 1) Provide comments as to the operational characteristics of the proposed Central Avenue public pier.

Harbor Resources Manager, Miller provided a report on the Central Avenue Public Pier and addressed City partnerships and the purpose for this review. The latter is to seek operational characteristics from the Commission. He reported that the layout has been designed to maximize the space at Central Avenue and noted that at this time, focus will be on the operational characteristics of the pier, which will affect how it is built. He addressed location, configuration of the pier, possible characteristics, potential vessel sizes, next steps, development of performance specifications, development and issuance of an RFP, the entitlement process, funding sources and a potential timeline. Additionally, he provided examples of pier signs.

Vice Chair Blank commented on the load design for the Rhine Channel dock, having few restrictions and limitations, a depth and maneuverability issue on Central Avenue, pushing the float further out into the channel for improved maneuverability, prohibiting fishing, and noted there is no need for a length limitation. Additionally, he suggested setting a three-hour limit on the entire float.

Commissioner Avery recommended allowing as large a boat as staff would be comfortable with and agreed with having fewer restrictions, to begin with. In response to his inquiry regarding whether DJM is providing any public dock, Harbor Resources Manager, Miller reported they have a lagoon/boat basin and are renting kayaks. They also have a pump-out facility in the boat basin and the rest of the marina will be a traditional marina with bay-size slips.

Commissioner McIntosh agreed with Vice Chair Blank's suggestion of pushing the dock further out into the channel and asked about plans for the anchorage. He liked the idea of getting smaller boats on the inside and agreed with a three-hour time limit. In terms of the length of the dock, he added that "more is better."

Harbor Resources Manager, Miller stated that the intention is to have 14-inch piles.

Commissioner Kenney concurred with Vice Chair Blank's comments and felt that there should be no size limits on vessels at the dock. He agreed with extending the dock into the channel to accommodate dinghies on the bulkhead side and that dinghies be allowed 24 hours.

Chair Girling opened public comments.

Kimberly Stewart commented positively on the project and reported on personal experiences in the basin. She stated there are significant wind issues in the area, at times, and suggested looking at that in terms of maneuverability and boat sizes. Ms. Stewart addressed issues with traffic and reported there is fishing on the other side of the bridge and there could be potential issues with that. She opined that the smaller the boat, the better, and agreed with moving the dock out into the channel to increase opportunities for smaller boats. She wondered how the landscape aspect of the street end could be funded by a grant, if it comes through.

Jim Mosher commented on Central Avenue being where the red cars crossed over the Santa Ana River years ago. He asked about the entitlement process and consideration by the Coastal Commission.

Chair Girling closed public comments.

Harbor Resources Manager, Miller reported there is no waterfront access directly to Lido Marina Village from the bulkhead. He addressed the Coastal Commission application and review process.

Discussion followed regarding other public piers planned for the City and limiting the boat size to 30 feet with 14-inch piles.

5. *Marine Activities Permits and Security Plans for Charter Vessels*

Harbor Resources Manager, Chris Miller provided an overview of the City's Marine Activities Permits (MAP) and the proposed requirements for charter vessels to provide security plans as part of the application process.

Recommendation:

- 1) Provide input to staff as to the proposed requirement for charter vessels to provide security plans as part of the application process.

Commissioner Avery recused himself from hearing this matter, as he owns and operates charter vessels in the harbor, and departed the Chambers.

Harbor Resources Manager, Miller provided an overview of the City's Marine Activities Permits (MAP) and the proposed requirements for charter vessels to provide security plans as part of the application process. He addressed requirements for obtaining an operator's license for restaurants, suggested language for requiring a security plan when an application is made for a MAP, and input and direction being sought from the Harbor Commission. He presented a sample of a security plan for the Commission's consideration.

Discussion followed regarding the overseeing agency and criteria and thresholds for requiring a security plan.

Harbor Resources Manager, Miller reported that if there is an incident on the water, the Harbor Patrol would be the first responders and the Police Department would take charge once the vessel docks. If the incident occurred on land, it would be a Police Department issue.

Commissioner Kenney noted that when the City issues an operating permit, there are certain conditions attached and the City has the right to view the operating permit. He asked for confirmation and asked if the same exists under a MAP.

Harbor Resources Manager, Miller reported that MAPs are good for up to one (1) year and addressed the application and review process. He added that other City departments review new applications as well as applications involving changes in the type of business and that Planning reviews issues involving parking.

A suggestion was made to circulate future applications to the Harbor Patrol and the Police Department as the City does with applications for development permits and obtain feedback before renewing any permits.

Commissioner McIntosh noted that Certified Coast Guard Vessels must have security on their vessels. He added that whatever the City does must be consistent with those requirements.

Chair Girling suggested adding the word "personnel" rather than security "plan" and the possibility of outsourcing personnel.

Commissioner Kenney stated that most of the pertinent information is listed on Page 1 and suggested incorporating same into the MAP.

Chair Girling opened public comments.

Chandler Bell, Hornblower Cruises and Events, reported that the U.S. Coast Guard requires that they have a security program on board on vessels exceeding 150 passengers. He added that Hornblower has its own procedures and policies relative to security and explained same. He questioned whether an operational plan is required for smaller vessels/events and commented on the different sizes of vessels they operate. Mr. Bell reported that in the eleven (11) years that he has worked for Hornblower, there was only one (1) incident where the police were called.

Discussion followed regarding security personnel for parties involving people eighteen (18) years of age and older.

Jim Mosher commented on requirements for Conditional Use Permits (CUPs) for restaurants reviewed by the Planning Commission. He stated there is no requirement for a security plan in CUPs and commented on requirements for an Operator's License for nightclubs and alcohol-serving establishments open beyond 11:00 p.m. The Police Department has the authority to modify requirements related to Operator Licenses. He referenced a recent Planning Commission matter for Nobu Restaurant related to parking.

Chair Girling closed public comments.

Chair Girling noted that the Commission can specify that there are plans already in place and suggested that, rather than providing a standardized plan for each operator, they should prepare their own plans and the Harbor Commission would have an opportunity to review them and provide feedback.

Commissioner Kenney added that cities issue CUPs based on specific circumstances and mostly pertain to alcohol sales and the amount of alcohol sales versus food sales as well as hours of operation. Given the fact that MAPs are for a short period of time and that there have been no incidents, Commissioner Kenney felt that a security plan may not be necessary.

Brief discussion followed regarding whether companies that rent stand-up paddleboards would be required to obtain MAPs.

Harbor Resources Supervisor, Shannon Levin reported they would submit an application for a MAP.

The Harbor Commission heard Item No. 2 and this juncture and continued with the rest of the agenda, as listed.

7) SUBCOMMITTEE REPORTS

Commissioner Stapleton reported meeting with the Chair of the Planning Commission and stated they have agreed to meet on a quarterly basis, to talk about different projects. He reported he would be meeting with other Commissioners and business owners to talk about other harbor-related businesses on the water before the next Harbor Commission meeting. Additionally, he commented briefly on derelict vessels.

Commissioner Avery recused himself from the Charter Vessel Review Subcommittee.

Vice Chair Blank offered to participate in the Charter Vessel Review Subcommittee.

Commissioner Avery commented on the Anchorage Subcommittee and reported they will have a teleconference next week.

Vice Chair Blank reported briefly on the Derelict Vessel Subcommittee.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES - None

9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Harbor Resources Supervisor, Levin reported she has been working on the derelict vessel issue and that the giant trimaran on A261 was demolished. She added that online reservations will be taken, starting next week, for Marina Park.

Harbor Resources Manager Miller congratulated Harbor Resources Supervisor, Levin for her work on Marina Park. He reported that Harbor Resources is relocating to the Civic Center and that Harbor Resources Supervisor, Levin will be at Marina Park. He provided a brief update on the RGP implementation program.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

Len Bose commented on recent laws relative to DUIs in the harbor. He commented on bicycles on the Fernando Pier and on the possibility of installing bike racks. Additionally, he wondered about the status of sea-level rise and whether it is being monitored.

Harbor Resources Manager, Miller reported staff is working to install accurate meters relative to sea-level rise.

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Vice Chair Blank requested that the Commission consider derelict vessels on shore moorings and improving mooring rules.

12) DATE AND TIME FOR NEXT MEETING: Wednesday, February 10, 2016

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 9:00 a.m. The next meeting of the Harbor Commission will be held on Wednesday, February 10, 2016, at 6:30 p.m.